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On May 20, 2003

PATENT
Attorney Docket No.: 14538A-004610US
Client Reference No.: 00172-14538A-46

TOWNSEND and TOWNSEND and CREW LLP

By: *Angelo R.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David M. Hockenberry et al.

Application No.: 10/069,431

Filed: August 18, 2000

For: COMPOSITIONS AND METHODS
FOR MODULATING APOPTOSIS IN
CELLS OVER-EXPRESSING BCL-2
FAMILY MEMBER PROTEINS

Examiner: Unassigned

Art Unit: Unassigned

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find a copy of the European Supplemental Search Report dated April 3, 2003 in the counterpart European patent application. A copy of each cited reference is also enclosed. A copy of U.S. Patent 5,686,595 listed on the European Supplemental Search Report was submitted with the Information Disclosure Statement filed March 18, 2003.

The following foreign patent publications are set forth by approximate publication date:

- BY. Japan, 5-155877 Publication Date June 22, 1993
- BZ. Japan, 7-196489 Publication Date August 1, 1995
- CA. PCT, WO 99/40081 Publication Date August 12, 1999
- CB. Europe, EP 1 0254 011 Publication Date November 11, 2000

CC. PCT, WO 01/05769 Publication Date January 25, 2001

The following articles are set forth in the alphabetical order:

CD. Tokuatke *et al.*, "Inhibition Of Electron Transport Of Rat-Liver Mitochondria By Synthesized Antimycin A Analog," *Biochimica et Biophysica Acta* 1142:262-268 (1993)

CE. Tzung *et al.*, "Antimycin A Mimics A BH3 Domain-Containing Peptide And Selectively Induces Apoptosis In Cell Lines Overexpressing Bcl-x13," *Proc. Accr-NCI EORTC International Conference, Molecular Targets And Cancer Therapeutics* 38155-38165 (1999)

It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicants believe that their invention as claimed is patentable over the above references taken alone or in any combination. However, Applicants reserve the right to demonstrate that their claimed invention was made prior to any one or more of the above-identified references. No inference should be drawn as to the pertinence of the references based on the order in which they are presented.

Applicant respectfully requests that the Examiner review the foregoing references to make his own determination of the patentability of the present invention and that the references be made of record in the file of this application.

Applicant believes that no fee is required for submission of this statement as this Supplemental Information Statement is being filed prior to the mailing of a first substantive Office Action and/or within three months of being first cited in a communication from a foreign patent office in a counterpart foreign application. However, if a fee is required, the

Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Dated: 20 May 2003 -

By: Brian W. Poor

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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of

Complete if Known

Application Number	10/069,431
Filing Date	August 18, 2000
First Named Inventor	David M. Hockenberry <i>et al.</i>
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	14538A-004610US

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	BY	JP	5-155877		6/22/03			<input type="checkbox"/>
	BZ	JP	7-196489		8/11/95			<input type="checkbox"/>
	CA	WO	99/40081		8/12/99			<input type="checkbox"/>
	CB	EP	1 054 011		11/22/00			<input type="checkbox"/>
	CC	WO	01/05769		1/25/01			<input type="checkbox"/>
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CD	Tokuatke <i>et al.</i> , "Inhibition Of Electron Transport Of Rat-Liver Mitochondria By Synthesized Antimycin A Analog," <i>Biochimica et Biophysica Acta</i> 1142:262-268 (1993)	
	CD	Tzung <i>et al.</i> , "Antimycin A Mimics A BH3 Domain-Containing Peptide And Selectively Induces Apoptosis In Cell Lines Overexpressing Bcl-x13," <i>Proc. Accr-NCI EORTC International Conference, Molecular Targets And Cancer Therapeutics</i> 38155-38165 (1999)	

Examiner
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Considered

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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